

FILE

FAX

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FAX TRANSMISSION SHEET

DATE: November 17, 2008

TO: The Public Utilities Commission of Ohio
Docketing Division

FAX NUMBER: (614) 466-0313

FROM: D. Casey Talbott

FILE NUMBER: N1432/176814

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PUCO

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MESSAGE: Re: In the Matter of the Authorization of CSX Transportation, Indiana, & Ohio Railway and Norfolk Southern Railway to Install Active Grade Crossing Warning Devices in Five Counties

PUCO Case No.: 07-1169-RR-FED

STATUS REPORT

D. Casey Talbott (0046767)
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November 17, 2008

VIA FACSIMILE AND U.S. MAIL

The Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, Ohio 43215-3793
Fax No.: 614-466-0313

Re: In the Matter of the Authorization of CSX Transportation, Indiana & Ohio
Railway and Norfolk Southern Railway to Install Active Grade Crossing
Warning Devices in Five Counties
PUCO Case No. 07-1169-RR-FED
Our File No: N1432/176814

Dear Docketing Clerk:

Attached for filing is a Status Report.

I confirm that, via regular mail, we are forwarding to you the original document plus seven copies.

Please call me – at (419) 241-6000 – if you have any questions or concerns.

Thank you.

Very truly yours,

EASTMAN & SMITH LTD


D. Casey Talbott

DCT/kml
Enclosures

cc: Ms. Leah Thomas Dalton (w/enc.)
Ms. Susan Kirkland (w/enc.)
Mr. Rick Ray (w/enc.)
Mr. Robert Stanley (w/enc.)
Mr. Steve Leffel (w/enc.)

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The Public Utilities Commission of Ohio

Docketing Division

November 17, 2008

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**Re: In the Matter of the Authorization of CSX Transportation, Indiana & Ohio
Railway and Norfolk Southern Railway to Install Active Grade Crossing
Warning Devices in Five Counties**

Mr. Mel McNichols (w/enc.)

Mr. Biff Konrad (w/enc.)

Logan County Engineer (w/enc.)

Mayor Dean Carnahan (w/enc.)

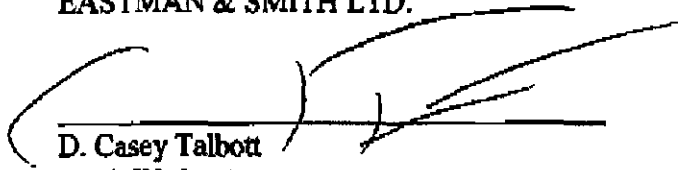
Pusheta Township Trustees (w/enc.)

2008, and discussed at length the ten (10) grade crossings, including Kercher Street, on the Miamisburg portion of the CJ Line corridor. The meeting was constructive, and served to lay the groundwork toward the parties coming to a mutually-beneficial agreement providing for improvements to the majority of Miamisburg's crossings versus the closure of at least certain crossings. The parties agreed that Norfolk Southern would order expedited preliminary engineering estimates regarding the crossings which are to be recommended for improvement; once these estimates are completed (hopefully, in or about mid to late December of 2008), Norfolk Southern and the ORDC intend to confer further, toward putting together a recommended proposal regarding all ten of the involved crossings, including Kercher. The Miamisburg officials then intend to review the proposal, and the parties will then regroup, hopefully in or about late January of 2009, toward furthering discussions regarding the Miamisburg crossings.

Assuming the Commission approves this course, Norfolk Southern will file a further status report by the end of January of 2009.

Respectfully submitted,

EASTMAN & SMITH LTD.



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Attorneys for Norfolk Southern
Railway Company

PROOF OF SERVICE

A copy of the foregoing *Status Report* was mailed this 17th day of November, 2008 to: **Leah Thomas Dalton**, Deputy Chief, Transportation Department, Safety Programs Division/Rail, c/o The Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43266-0573; **Susan Kirkland**, Manager, Safety Programs, c/o Ohio Rail Development Commission, 50 West Broad Street, 15th Floor, Columbus, Ohio 43615; **Rick Ray**, Norfolk Southern Railway Company, 1200 PeachTree Street, Atlanta, Georgia 30309; **Robert L. Stanley**, City Engineer, 10 North First Street, Miamisburg, Ohio 45342; **Steven Leffel**, City of Troy, 100 South Market Street, P.O. Box 3003, Troy, Ohio 45373; **Mel McNichols**, CSX Transportation, J-301 500 Water Street, Jacksonville, Florida 32202; **Biff Konrad**, Indiana & Ohio Central Railway, 497 Circle Freeway Drive Suite 230, Cincinnati, Ohio 45246; **Logan County Engineer**, 1991 CR 13, P.O. Box 427, Bellefontaine, Ohio 43311-0427; **Mayor Dean Carnahan**, 99 North Howard Street, Sabina, Ohio 45169; and **Pusheta Township Trustees**, 14002 Pusheta Road, Wapakoneta, Ohio 45895.



Attorneys for Norfolk Southern
Railway Company